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Committee on Economic, Social and Cultural Rights

Sixty-fourth session

Summary record of the 37th meeting

Held at the Palais des Nations, Geneva, on Friday, 28 September 2018, at 10 a.m.

Chair: Ms. Bras Gomes

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The meeting was called to order at 10 a.m.

Consideration of reports:

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fourth periodic report of Argentina (*continued*) (E/C.12/ARG/4; E/C.12/ARG/Q/4 and E/C.12/ARG/Q/4/Add.1)

1. *At the invitation of the Chair, the delegation of Argentina took places at the Committee table.*

2. **Mr. Foradori** (Argentina) said that while some countries hid behind the principle of non-interference in domestic affairs to avoid scrutiny of their human rights record, Argentina recognized the value of "non-indifference" on the part of the international community because the actions of the country's military dictatorship had come to light partly thanks to the scrutiny of the Inter-American Commission on Human Rights. The Argentine delegation therefore welcomed the Committee's interest and would present its problems, challenges and achievements in a transparent manner.

3. **Mr. Szuchet** (Argentina) said that the main objective of the National Plan for the Regularization of Employment was to transform precarious work into decent employment through the registration of workers, especially those without social security coverage. The Plan was also an instrument for safeguarding labour rights and for changing the behaviours of employers who violated them. In 2017, the Government had conducted inspections at over 183,000 establishments, and had discovered that over 30 per cent of the workers in them were not properly registered. As a result, fines had been imposed on a number of companies and the situations of over 61,000 employees had been regularized. Some 138,000 inspections had already been carried out in 2018.

4. It was estimated that 900,000 people had signed up to the "Empalme" employment programme, while another 30,000 were receiving vocational training in the private sector and would have the opportunity to secure a formal job upon completion of their training. The Government recognized the problem of unemployment among persons with disabilities and young people and prioritized public policies for their employment. The More and Better Work for Youth Programme provided work experience for unemployed persons in the 18 to 24 age group who had not completed primary or secondary education, of whom women accounted for 42 per cent. In the Good Harvest Programme, the Government worked with trade unions and companies towards the eradication of child labour through the creation of rural socio-educational centres for the children of migrant seasonal workers.

5. **Ms. Quinteros** (Argentina) said that closing the wage gap between women and men was a priority; however, it was too early as yet to measure the impact of the public policies and programmes that had been adopted for women's economic inclusion and labour market access. Those programmes included: the Women Leaders Programme launched in 2018 by the Bank of Investment and Foreign Trade to support small and medium-sized enterprises (SMEs) part-owned or managed by women; the Women Exporters Programme, launched in 2017 by the Argentine Investment and Trade Promotion Agency to boost exports by SMEs owned or led by women; a Ministry of Production and Labour programme to award special certification to companies with gender equity policies; the "111 Thousand Plan", whose aim was to train, in four years, 100,000 programmers, 10,000 professionals and 1,000 entrepreneurs to meet the demand for workers in knowledge-based industries; the New Trades for Women Programme; the Women's Entrepreneurship Programme of the Centre for Women's Economic Development; and the Spotlight Initiative of the European Union and the United Nations, under which Argentina had secured funding to implement the Win-Win Programme, designed to transform private companies into agents of change for the empowerment of women.

6. Since its last appearance before the Committee, Argentina had made significant progress in the fight against trafficking in persons. On 31 July 2018, the President had launched a new national plan to combat the trafficking and exploitation of persons for the period 2018–2020, in accordance with Act No. 26.364, as amended, on the prevention and

punishment of human trafficking and victim assistance. In the past 10 years, there had been 301 convictions for the crime of trafficking, 236 of which had related to trafficking for the purposes of sexual exploitation and 60 to trafficking for the purposes of labour exploitation. The victims of trafficking for the purposes of sexual exploitation were overwhelmingly women, whereas 195 men had been trafficked for the purposes of labour exploitation as compared with 151 women. Trafficking for labour exploitation mostly affected migrants in sectors such as the garment industry, agriculture, forestry, street vending, construction, retail and domestic work.

7. In the light of an alarming increase in the number of femicides, the Government had taken steps to combat violence against women, including the adoption of Act No. 27.210, creating a body of lawyers specializing in violence against women, and Act No. 27.452, creating a system of compensation for the children of femicide victims. The Women's Office of the Supreme Court and the National Institute for Women had instituted programmes to combat violence against women, while the National Action Plan on the Prevention, Punishment and Eradication of Violence against Women provided for support for victims and for awareness-raising, among other measures.

8. **Ms. Brandy** (Argentina) said that the National Institute for Women also coordinated a working group on rural women which was working to improve rural women's access to support services throughout the country.

9. **Ms. Diaz Frers** (Argentina) said that inflation was an important factor in pushing low- and middle-income families into poverty. The Government had so far had little success in its efforts to address the causes of inflation, notably the depreciation of the peso, which in turn was caused by financial market volatility and macroeconomic imbalances, including fiscal and trade imbalances. However, it was implementing a number of programmes to mitigate the adverse effects of inflation, including through the application of price controls on key food products and a programme to make good quality food products available at affordable prices by organizing markets in towns and cities. Steps were also being taken to support and subsidize school and community canteens and to promote healthier diets. Several ministries were delivering food security programmes.

10. **Ms. Brandy** (Argentina) said that, according to the National Statistics and Census Institute, Argentina had a housing deficit equivalent to about 25 per cent of the existing housing stock, with the result that 3.5 million families struggled to find adequate housing. Related problems included uncertainty over landownership and the lack of basic services, social services and green spaces. In 2016, the Government had conducted the first national survey of poor neighbourhoods, a "poor neighbourhood" being defined as one containing more than eight families living together or next to each other who did not possess land titles and had no regular access to two or more of three basic services: running water, metered electricity and sewerage. The survey had identified more than 4,416 such neighbourhoods — home to some 4 million people — which had subsequently been entered into a national register. The overwhelming majority of poor neighbourhoods did not have formal access to basic services. In demographic terms, it was estimated that about 40 per cent of the inhabitants of such neighbourhoods were under 15 years of age; 70 per cent were under 29 years of age. Only 11 per cent of inhabitants aged 16 years or over participated in formal employment; 22 per cent worked informally and 24 per cent were unemployed, with the remainder receiving pensions, working independently or performing domestic work. Following the survey, the Government had issued more than 150,000 families with certificates providing proof of address, which would allow them to carry out administrative formalities and to access basic services.

11. In March 2018, the Government had established the Secretariat for Socio-Urban Integration within the Ministry of Health and Social Development, with powers to draw up and implement policies to transform neighbourhoods and improve living standards. The Secretariat promoted comprehensive neighbourhood development plans covering aspects such as improvements to public and community spaces, road and sanitation works, the creation of parks and access to public transport, health, education and culture; it also funded drinking water, sanitation, urban infrastructure and housing projects.

12. The Chamber of Deputies had passed a bill on socio-urban integration and the regularization of landownership, which provided for the suspension of evictions for four years. The bill would empower the Ministry of Health and Social Development to implement a programme of socio-urban integration and would authorize the State Property Administration Agency to initiate proceedings for the expropriation of properties located in the poor neighbourhoods included in the national register as of 31 December 2016 in the event that no agreement could be reached with the residents. It also provided for the establishment of a special regulatory framework for the regularization of landownership in respect of the properties identified in the national register. A trust fund would be set up to cover the costs of expropriation and socio-urban integration projects. Lastly, the bill stipulated that at least 25 per cent of works undertaken in poor neighbourhoods should be awarded to local cooperatives or associations. Relocations were envisaged as a last resort, to be carried out only in cases of environmental hazards and with the family's consent, thus avoiding any forced evictions.

13. More than 30,000 families had been able to access housing under the Argentine Bicentennial Single-Family Housing Credit Programme, which had been relaunched in 2016. Under the Programme, subsidies averaging 300,000 pesos had been granted to families to assist them in purchasing a home. The Programme had a youth savings component, which was intended to help 20,000 young people become homeowners in 2019. The National Housing Plan had already resulted in the construction of over 30,000 homes and a further 60,000 were currently under construction. An additional 5,000 housing units were due for delivery under the Programme's urban development component and through public-private projects.

14. Evictions were infrequent and generally did not become violent. It would be helpful to the delegation if the Committee could cite specific cases where it had heard that violence had occurred so that clarifications could subsequently be given in writing. Eviction orders resulted when people committed criminal offences, such as occupation of premises, or as a result of civil disputes arising for instance from a failure to comply with the terms of a lease. The authorities for the most part sought to negotiate with squatters to secure their consent to withdraw from the premises they occupied. In Buenos Aires, a public square had been occupied for some 20 years. The local government had provided the squatters with subsidies, financial support and help in finding new housing to assist in their removal. The provision of such support depended on the circumstances of the people being removed. Families with children were likely to benefit from assistance from family welfare services, for example.

15. A national programme for the issuance of land deeds in rural areas was aimed at helping to solve the landholding issues affecting large numbers of farmers. It had already granted deeds for plots totalling over 40,000 hectares to over 1,000 farmers. A plan known as the Plan Colonias was aimed at establishing settlements in rural areas, with a view to increasing production and ensuring sustainability among farmers and their families. In the past two years, nearly 10,000 farmers' families had benefited from activities to provide clean water and sanitation services in rural areas. An ambitious national water plan was currently being implemented; it improved sewage disposal and access to clean water not only in rural areas, but also in towns and cities. The delegation could provide further details in writing on such activities.

16. **Ms. Oizerovich** (Argentina) said that, consistent with the Sustainable Development Goals, Argentina had in 2016 adopted a universal health-care coverage plan with the aim of ensuring that everyone would receive the care they needed, with appropriate access, free of charge. As the public health system already provided care free of charge, the plan focused on eliminating inequalities in access and services by strengthening public medical services. The federal Government had begun working with the provinces on three main themes: community health, interoperable information and computer systems, and the quality assessment and evaluation of services. In each province, a separate, scalable project had to be adopted in support of the plan. Of the country's 24 provinces, 20 had already adopted such projects and had moved forward to different degrees with their implementation. The federal Government was working with the provincial authorities to define a digital health-care strategy and a family and community health strategy, both of which were aimed at

consolidating the achievements of the universal health-care coverage plan. Part of the plan called for a transfer of resources to support primary care.

17. The Incluir Salud programme was run by the National Disability Agency and allowed beneficiaries of non-contributory pension funds to have access to quality health services through the transferral of funds to the provinces. The beneficiaries included mothers with more than seven children, older persons living in poverty, persons living with disabilities who were unfit for employment and veterans of the Malvinas conflict. The specific list of beneficiaries was established by the National Congress. The transfer in early 2018 of the programme's administration to the National Disability Agency had thus not altered the number or types of beneficiaries covered.

18. One of the strategies implemented by the federal health authorities for the removal of barriers to abortion involved a permanent training programme for non-governmental organizations (NGOs), provincial health workers, lawyers and supervisory staff on sexual and reproductive rights and on the legal framework for abortions and on respect for human rights and diversity. The strategy was implemented with the involvement of local lawyers, jurists from the federal health authority and civil society and human rights groups, doctors and other experts. Annual meetings were held with the same participants. A toll-free number had been established to receive complaints regarding access to abortion services, which allowed the authorities to intervene when necessary. In addition, for the first time, the awareness campaign about abortion rights had made use of posters to publicize the right to legal abortions and the related protocol published in 2015 by the National Sexual Health and Responsible Procreation Programme.

19. A plan for the prevention of unwanted pregnancy among adolescents had been put forward by the Office of the President and was being implemented by the Ministry of Health and Social Development, with efforts concentrated in the country's north-eastern and north-western provinces. One aspect of the plan was aimed at strengthening efforts to combat sexual violence and sexual abuse of children and adolescents and ensuring easier access to abortions, in accordance with the law.

20. Eight of the provinces had not adopted the 2015 national protocol. While the federal health authorities did not have legal jurisdiction over their decisions, the provinces must abide by constitutional provisions and federal laws governing the rights of patients. The Criminal Code established specific cases that were exceptions to the penalization of abortion and stated that persons meeting the criteria for legal abortions must be assisted by both the federal and provincial authorities, and the Supreme Court had ruled that the health authorities, including provincial ones, must implement the protocols that were applicable within the legal framework. Some of the provinces that had not adopted the 2015 national protocol were complying with it in practice, for example by adopting their own protocols; others, however, had worked to hamper implementation and block access to legal abortions. The federal authorities were concentrating their efforts on working with the latter provinces to get them to provide the appropriate care, in accordance with the law, for example through the use of medical referral to other jurisdictions.

21. When medical staff invoked conscientious objection to deny patients abortion services, it was the responsibility of their medical establishments to ensure the patients' rights and provide quality services promptly. The national authorities constantly carried out gender-sensitive human rights training for medical professionals. Conscientious objection was an individual right, and as such, it could not be invoked by a medical establishment; in any event it must not be used to restrict access to abortion services. The transfer to universal health coverage had not reduced the availability of medicines for sexual and reproductive health. Such medicines were financed directly by the responsible division of the national Ministry of Health and Social Development, which had recently purchased a large number of doses of the abortion-inducing drug misoprostol in order to provide a method of safe abortion. Once approved, the drug would be included in the basket of mandatory drugs established by the authorities.

22. A decree had been issued in March 2017 on the subject of assisted housing for persons requiring mental health services, and the Ministry of Health and Social Development and the Ministry of the Interior were working to draw up the administrative

mechanisms required to set up such housing. Recommendations had been adopted for the establishment of inclusive housing, along with other recommendations in the field of labour and employment, relating to the provision of community-based mental health services. There were plans to conduct the first national census of persons interned for mental health treatment.

23. The Government supported the promotion of health and preventive medicine through the adoption of a proactive protection model, one of the objectives of which was the prevention of non-communicable diseases and obesity. One aspect of the fight against obesity was the inclusion in the Food Code of provisions restricting the use of trans-fats. An interministerial programme against obesity among children and adolescents had been adopted in April 2018, and a number of laws, for example on food labelling, sodium, trans-fats and food advertising, had been submitted and were under consideration in the National Congress. There were initiatives to ratify the Framework Convention on Tobacco Control of the World Health Organization (WHO), and taxes on tobacco had been raised in May 2016 and in December 2017.

24. **Mr. Zerbini Ribeiro Leão** said that the number of new trade unions had reportedly been falling significantly since the end of 2015 and asked what could explain such a trend. While he understood that social benefits were provided to people who failed to accumulate sufficient contributions to qualify for the contributory State pension, he was concerned that cuts and reductions in the pension system could leave many people in poverty. What measures were being taken to avoid such a problem?

25. **Mr. Sadi** said that he would like to know whether the delegation considered the problem of trafficking in women to be related to poverty. He noted that the Government had stiffened penalties in an attempt to combat human trafficking. It would be useful if the delegation could provide details about cases in which traffickers had been convicted and punished, including the sentences handed down and the number of such cases. Had the imposition of such sanctions been effective in curbing the phenomenon? Noting that the International Monetary Fund had recently provided support amounting to US$ 50 billion to the country, he asked whether that would help to combat inflation.

26. **Mr. Chen** (Country Task Force) said that it would be helpful to the Committee if statistical information could be provided in writing.

27. **Mr. De Schutter** said that he was concerned about the Government's answer, contained in paragraph 133 of the replies to the list of issues, to a question raised by the Committee addressing the use of chemical agricultural products, in particular glyphosate. In an annex to its reply, the Government had cited studies that had found that the use of that product, one of the main ingredients of certain herbicides, did not pose a health threat. Those studies had been financed by the Government, which supported the product's use, and possibly failed to consider the impact of glyphosate when it was applied in combination with other products. Chemical products were used widely in agriculture in Argentina, yet the International Agency for Research on Cancer, a WHO body, had identified some, including glyphosate, as having a high probability of being carcinogenic. Did the Government intend to phase out the use of such products as soon as possible to ensure compliance with article 12 (2) (b) of the Covenant and with paragraph 36 of general comment No. 14 on the right to health?

28. **Ms. Shin** said that it was regrettable that Argentina had recently lost an opportunity to liberalize its abortion laws and asked what specific provisions were in place to deal with situations where medical personnel invoked conscientious objection to refuse to perform abortions. Was there a specific referral system at medical establishments to ensure that patients would have access to abortion services in such circumstances?

29. Did Argentina have a coherent State policy regarding the performance of unnecessary surgery on intersex persons? Were decisions about such surgery made entirely by parents and doctors? The Committee would like to find out whether interventions that were required owing to the hormonal treatment of intersex persons were covered by medical insurance and what legal provisions applied when people developed genders that were different from the ones assigned to them at birth and wanted to become transgender.

Lastly, it would be of interest to the Committee to know if any studies had been carried out about the situation of intersex and transgender people in Argentina.

30. **Ms. Liebenberg** (Country Task Force) said that the public shadow report submitted by NGOs, including the Centro de Estudios Legales y Sociales (CELS) and the Asociación Civil por la Igualdad y la Justicia (ACIJ), had specifically cited 44 cases of violent eviction across the country and had also indicated that there was a lack of official information on how evictions were carried out.

31. The Committee had in its previous concluding observations pointed out the need for a framework national law that would include guarantees of alternative accommodation and due process. A number of treaty bodies had called upon Argentina to ratify the WHO Framework Convention on Tobacco Control. It would be helpful if the delegation could provide more information on the effort to ratify the Convention and to give the Committee some idea of when it might be ratified.

32. **Mr. Uprimny** (Country Rapporteur) said that the low labour participation rate of women and the concentration of women workers in the care sector was of concern. What plans did the Government have to increase the provision of services in poor areas with a view to increasing women's labour participation? As part of an anti-fraud campaign, the Government had reportedly cancelled some 78,000 disability pensions in a single year, without carefully verifying the cases or ensuring due process. A large number of the beneficiaries in question had thus seen their payments cut off without notice, only to have them later reinstated by the courts. He asked the delegation whether the Government planned to reverse the decision to cancel benefits and to examine the cases more carefully.

33. The Committee was concerned at reports that Emergency Decree No. 70/2017 had placed undue restrictions on the provisions of the Migration Act (No. 25.871), thereby hindering migrants' access to employment and social services and making it more difficult for them to regularize their status. He would be grateful for the delegation's comments on whether the Government was considering withdrawing the Decree.

34. The Committee had received reports of restrictions on trade unions, including abuse of the compulsory conciliation arrangements, the imposition of heavy fines on unions representing truck drivers and teachers, and the annulment of unions' internal election results by the Ministry of Production and Labour. It would helpful to hear how the Government guaranteed the right to freedom of association.

35. **Mr. Mancisidor de la Fuente** (Country Task Force) said that he would welcome clarification on the proportion of lands traditionally owned by indigenous communities that had been surveyed in implementation of Act No. 26160 of 2006. Details would be welcome on the measures taken to ensure the full participation of indigenous populations in the land survey process and on the related dispute resolution mechanisms in place. He wished to hear about the steps being taken to prevent forest clearance on indigenous lands, particularly in connection with Reserva Grande and Lhaka Honhat, the latter having been the subject of a number of recommendations from the Inter-American Commission on Human Rights with which the State party had not complied. The Committee had received information that consultation processes taking place regarding extractive activities in Jujuy, Salta, Neuquén and Chubut did not adhere to established standards. Information would be appreciated on the Government's plans to initiate a consultation process and provide compensation for any harm caused in connection with lithium extraction activities affecting water sources in the traditional lands of the Coranzuli-Intillaku community in Cerro Coyamboy in Jujuy. He would be interested to hear the delegation's comments on the case of the Mapuche indigenous leader Facundo Jones Huala, who had been extradited to Chile by the State party on 5 September 2018 despite a request for interim measures by the Human Rights Committee.

36. The State party had in place a number of commendable plans and initiatives in the area of education, including its target of investing 6 per cent of gross domestic product in education. It would be helpful to learn whether the Government was committed to achieving that target despite the austerity measures being applied. He would welcome more details on how the Progresar scholarship scheme would improve the dropout rate in the State party. Given the wide disparities between provinces in the provision of pre-primary

education, it would be interesting to hear how the authorities would ensure that those provinces that were lagging behind could catch up. Further information would be welcome on the policies in place to ensure that persons with disabilities could access quality education at all levels. He wished to hear about any plans to provide education on human rights and to include sexual and reproductive health education in secondary schools.

37. The Committee would welcome up-to-date information on bilingual education programmes, including the increase in the numbers of indigenous students in such programmes and of trained teachers from indigenous backgrounds. It was unclear whether the programmes in place were respectful of indigenous identities across all subjects. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Chaná and Tehuelche indigenous languages were critically endangered; it would be helpful to learn what steps the Government was taking to protect those languages and the rights of persons who spoke them. The Committee would welcome the delegation's comments on reports that the 2015 amendments to legislation regulating the media hindered access to radio licences for indigenous communities.

38. In the area of cultural heritage, the Committee was concerned at reports criticising the State party's management of UNESCO World Heritage Sites and would appreciate details of how the Government intended to ensure those sites were suitably protected.

The meeting was suspended at 11.45 a.m. and resumed at 11.55 a.m.

39. **Ms. Diaz Frers** (Argentina) said that, since the introduction of legislative amendments in 2017, pension benefits were adjusted every three months rather than every six months. The adjustments were calculated on the basis of changes in the consumer price index and the average taxable income of State employees, thereby protecting retired persons from the effects of inflation. All persons aged 65 years or over who had made no or incomplete contributions to the pension system were entitled to a universal benefit.

40. One of the aims of the support provided by the International Monetary Fund was to combat inflation and reduce public sector spending to the lowest possible level. The outcome of those measures would be seen in 2019.

41. **Ms. Brandy** (Argentina) said that the use-of-time survey, which had last been conducted in 2013, would be repeated in 2019 or 2020. Under the National Early Childhood Plan, which had been launched in 2016, 5,000 additional childcare places for children under the age of 4 years had been added nationwide with the aim of helping mothers to return to work.

42. Persons in receipt of non-contributory invalidity pensions who had had their entitlement withdrawn because they had not reported on their circumstances within the designated time frame had had their payments restored once they had provided the documentary evidence requested. Following the application of Resolution No. 268/2018, a free telephone helpline had been set up to enable persons whose payments were suspended to lodge an appeal within 10 working days.

43. **Mr. Schapira** (Argentina) said that eviction proceedings fell under the competence of provincial authorities. Due process was guaranteed and evictions were carried out only when a court order had been issued.

44. Emergency Decree No. 70/2017 had amended only a small number of articles of the Migration Act, thereby allowing for the application of a summary procedure for expelling foreign nationals who had been in conflict with the law or who had entered the country in an irregular manner. The procedure had been the subject of a hearing at the Inter-American Commission on Human Rights, at which the Government had set forth the constitutional basis for it. Within the National Migration Directorate, there was a unit to review decisions; approximately 1,000 cases had been deemed constitutional, while 1 case was still before the Supreme Court. The Directorate was making great efforts to reduce waiting times for appointments, and had regularized the situation of 560,000 migrants within a two-year period. Of more than 120,000 Venezuelans who had arrived in the country, more than 70,000 had already had their situation regularized by the authorities. Between January 2017 and September 2018, only 171 persons had been expelled from Argentina. The Directorate was opening more offices around the country and would soon move all procedures to an

online platform, meaning that migrants would need to attend only one appointment during the processing of their case. It was hoped that the time frame for regularization would be reduced from 12 to 6 months.

45. In the Lhaka Honhat case, indigenous communities had laid claim to 600,000 hectares of land that was home to a large Creole population. Following a ruling by the Inter-American Commission on Human Rights allocating 400,000 hectares to indigenous communities, work was ongoing to survey the land and negotiate with the Creole communities. The Government was committed to resolving the situation and had submitted to the Commission a plan that would be rolled out over a period of eight years. However, the plan had been rejected by the indigenous communities, and the Commission had taken the decision to refer the case of the Inter-American Court of Human Rights.

46. The request by Chile to extradite Facundo Jones Huala had been issued during the presidency of Michelle Bachelet. Following a lengthy legal process, the request had been approved by the Argentine Supreme Court. The request for interim measures made by the Human Rights Committee had been received two days before the scheduled date of Mr. Jones Huala's extradition. His removal had nevertheless gone ahead, since all guarantees of due process had been adhered to and the rule of law operated satisfactorily in Chile.

47. A large number of regulations were in place regarding the use of agrochemical substances and were based on WHO classifications. In the previous two years, more than 40 products have been removed from the list of approved substances following recommendations made by WHO. The Secretariat for the Environment and the Secretariat for Agriculture had formed a working group together with representatives of government entities and other stakeholders to establish good practices in that area.

48. **Ms. Oizerovich** (Argentina) said that the right to conscientiously object to performing a legal abortion applied to individuals, not to institutions. If a woman was refused an abortion on such grounds, she should be referred to another medical practitioner in the same or another establishment so that she could undergo the procedure. The 0800 telephone line had been set up to improve access to legal abortions. Social organizations informed the Directorate of Sexual and Reproductive Health of instances in which women were refused such abortions.

49. Under Act No. 26743 on gender identity, gender assignment or reassignment surgery was not permitted without the consent of the individual concerned. In cases where surgery was required for medical reasons, the individual's sex was not changed. The Ministry of Health and Social Development had been taking the necessary steps to ensure that transgender persons had access to the appropriate hormone treatment. Training on the surgical procedures involved in sex-change operations had also been provided to the relevant medical staff.

50. The Government was undertaking the necessary preparatory work to promote the ratification of the WHO Framework Convention on Tobacco Control and had introduced the National Tobacco Control Programme to support those efforts. It had also taken steps to ban tobacco advertisements, raise taxes on tobacco products, designate no-smoking areas and introduce nicotine replacement therapies.

51. **Mr. Szuchet** (Argentina) said that the Constitution guaranteed the rights of trade unions. The courts had intervened in the cases of trade unions subjected to fines and had reduced the amount payable, which served as a clear demonstration of a well-functioning justice system. The data on trade unions requested by the Committee would be provided in writing at a later date.

52. As to combating human trafficking, the Government recognized the gravity of the situation and had taken steps to address the matter. Human trafficking, however, remained a transnational problem that transcended borders and affected all segments of society. Concerted action would therefore be required at the regional level in order to make demonstrable progress towards tackling the phenomenon.

53. **Mr. Miguens Campos** (Argentina) said that the Government had pledged to maintain its investment in education at 6 per cent of gross domestic product under the Purmamarca Declaration and had further enshrined that commitment in the education bill

currently before parliament. It remained committed to reducing the national dropout rate, particularly at the secondary school level, and had launched a number of initiatives to promote school attendance, including the Progresar scholarship scheme for 8 to 24-year-olds from disadvantaged backgrounds. Almost one million students had registered with the Progresar scheme to date, around 76 per cent of whom were girls. A pilot project had also been launched in Buenos Aires Province to encourage children to attend school; it included a school attendance monitoring and alert system. Any child deemed at risk of dropping out received tailored multidisciplinary support. The Secundaria Federal 2030 programme also aimed to encourage young persons to complete their compulsory education. It focused on redesigning the institutional structure of secondary schools and improving the level of teaching in all subjects. Furthermore, efforts had been made to strengthen digital education and information and communications technology policies and develop an innovative model of education to ensure that young persons had the requisite skills to succeed in the labour market. Continuous teacher-training programmes had also been formulated which included modules on engaging students in education and tackling school dropout rates.

54. Action was under way to promote universal access to preschool for 3-year-olds, particularly those from disadvantaged backgrounds. Comprehensive support services for poorer families had been made available, additional classrooms had been built, and more teachers had been recruited in a bid to improve preschool and primary school attendance levels. In 2017, 42.8 per cent of children aged 3 years and 87.1 per cent of children aged 4 attended preschool, and 98 per cent of children aged 5 attended primary school, which represented a marked increase as compared to 2015.

55. Steps had been taken across all levels of the national education system to harmonize and improve sexual and reproductive health education, including through the introduction of a national day devoted to gender equality and combating gender-based violence, the development of courses on sexual and reproductive health for trainee teachers and the establishment of sexual and reproductive health teams in all schools.

56. Indigenous children had a right to bilingual intercultural education, and corresponding educational models, including teacher-training handbooks, had been devised that respected and promoted the indigenous ethnic identity, language, culture and world view. Federal round tables had been held to discuss access to education for indigenous children and annual school censuses were conducted to obtain the views of indigenous pupils and monitor the level of bilingual intercultural education provided. Two scholarship programmes had recently been introduced to increase the number of indigenous children attending primary and secondary school. The first programme aimed to support indigenous pupils to complete their secondary school education and the second focused on increasing the number of indigenous students completing teacher-training courses. To date, beneficiaries of the two scholarship programmes had been awarded a total of 41 million and 60 million pesos respectively.

57. **Mr. Szuchet** (Argentina) said that the Government remained committed to respecting the rights of indigenous peoples. It had introduced the National Indigenous Communities Land Survey Programme for all 1,638 recognized indigenous communities. To date, 57 per cent of indigenous communities had taken part in the survey. One-off acts of violence against indigenous peoples during court-ordered evictions had been duly investigated. The National Institute of Indigenous Affairs was responsible for acting as a mediator on behalf of the indigenous communities affected and offered legal support and assistance where appropriate. Additional information regarding individual eviction cases would be provided in writing at a later date.

58. Decree No. 1732/96 had established the Reserva Grande in the Chaco province, with a surface area of 306,800 hectares. The three peoples living in the reservation had formed the Mowitob association and efforts were under way to map the area. The Government continued to mediate between the indigenous groups and the Creole population in an effort to reach an agreement on boundaries and settle the land dispute.

59. The Government had ratified the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and was in the process of giving effect to the right of indigenous peoples to prior, free and informed consent on

matters affecting their communities. Although there were currently no protocols or laws governing the consultation process, consultations had been held with indigenous community leaders and a bill had been tabled before parliament with the aim of establishing a formal consent mechanism. The National Institute of Indigenous Affairs was currently participating in 21 consultation processes in various provinces. The Government also intended, as part of its Justice 2020 Programme, to hold several face-to-face meetings and a videoconference event to brainstorm possible rules for prior, free and informed consent.

60. The Government continued to take steps to protect critically endangered indigenous languages and had established intercultural focus points to promote and protect the ethnic identity and culture of indigenous communities. It had also published and distributed leaflets in the six main indigenous languages on the rights of indigenous peoples and would be organizing a series of activities for the International Year of Indigenous Languages in 2019. The National Arts Fund also provided support to indigenous people to promote their culture and languages.

61. The Interministerial Round Table of Indigenous Peoples had been established in 2016 and gave indigenous peoples and their leaders the opportunity to discuss matters affecting their communities. The National Institute of Indigenous Affairs was responsible for the functioning of the Round Table and organized regular meetings with different government ministries in order to harmonize national policies on indigenous community matters as part of that mandate.

62. **Mr. Uprimny** said that he would like to thank the delegation for the open and constructive dialogue. Argentina faced challenging times ahead. The Committee's concluding observations would enable the State party to further advance and consolidate economic, social and cultural rights in that context.

63. **Mr. Foradori** (Argentina) said that, despite the present difficulties facing the country, his Government remained committed to ensuring respect for human rights in all areas and would uphold the rights of its citizens under the Covenant.

The meeting rose at 1 p.m.